

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GARY A. SHANGOLD,  
ARKADY RUBIN, and  
DAVID UPMALIS

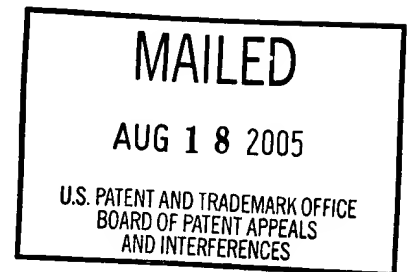
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Appeal No. 2005-2366  
Application 09/782,420

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**ORDER DISMISSING APPEAL**

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Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge, and  
WILLIAM F. SMITH, Administrative Patent Judge.

Per curiam.




On January 23, 2004, appellants filed a Notice of Appeal. On September 23, 2004, appellants filed a communication stating "a continuation application has been filed claiming the benefit under 35 U.S.C. § 120" and requesting withdrawal of the appeal.

Accordingly, it is

ORDERED that the appeal filed January 23, 2004, is dismissed.

Appeal No. 2005-2366  
Application 09/782,420

The application is being returned to the examiner for further action as may be appropriate.

 Michael R. Fleming, Chief Administrative Patent Judge	) BOARD OF PATENT APPEAL INTERFERENCES )
 Gary V. Harkcom, Vice Chief Administrative Patent Judge	
 William F. Smith Administrative Patent Judge	

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